REMARKS

This is intended as a full and complete response to the Office Action dated April 25, 2008, having a shortened statutory period for response set to expire on July 25, 2008. Applicant respectfully request entry and consideration of the following amendments and remarks.

Claims 1 and 4 - 27 are currently pending in the Application.

Claim 1 is currently amended in this Response.

Claims 2 and 3 are currently canceled in this Response.

Claims 4 – 27 were previously presented.

Claims 28 – 39 were previously canceled.

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I. Claim Rejections – 35 USC §101

The Office Action has rejected Claims 1 – 27 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant has amended Claim 1 to clarify that the invention relates to a system that includes an apparatus with structural elements and functional elements. No new matter has been added with these amendments.

Specifically, Applicant's amended Claim 1 teaches:

a "device adapted for manipulating data and programs" - see Claim 1 paragraph (f), as previously amended, and Claims 25 and 27, as filed ("input device" and "computer").

a "processor with data storage"- see claims 20 and 21, as previously amended, and Claim 25, as filed ("computer").

"device adapted for inputting data and programs" - see Claim 1 paragraph (f), as previously amended, and Claims 25 and 27, as filed ("input device").

"device adapted for viewing data and programs" - see Claim 1 paragraph (f), as previously amended, and Claims 25 and 27, as filed ("input device" and "computer").

"user input device" – see Claim 1 paragraph (e), as previously amended ("user interface executable on a user input device")

"network" – see Paragraph [00040], and Figure 1 depicting a "shared network object layer and a network object layer."

"computer instructions for…" – see Paragraphs [0025], [0028], and [0052], teaching use of software.

"dependency and impact hierarchy" – see Figure 1

Reconsideration of this rejection is requested.

II. Claim Rejections – 35 USC §112

The Office Action rejected Claims 1 – 27 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

Applicant has amended Claim 1, to provide structural cooperative relationships, as described above in the discussion of the rejection under 35 USC §101.

III. Claim Rejections 35 USC §102 & §103

The Office Action rejected Claims 1- 27 under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Lakis* (5,864,865).

Applicant's Claim 1 has been amended to include the limitations of both claims 2 and 3. Claims 2 and 3 have been canceled accordingly.

Applicant teaches a system that includes devices for manipulating data, inputting data, and viewing data, a user input device, and a network, wherein the device for manipulating data comprises computer instructions for identifying relationships between business processes and technology using a protocol to form a dependency and impact hierarchy. Applicant's system includes numerous object layers, which are arranged vertically, creating vertical dependencies, and which are in a constant and static arrangement. (Applicant's Claim 1, as amended)

Applicant's system creates a 13 layer dependency/impact hierarchical model that represents individual technical infrastructure components as they relate to individual business processes. Applicant's model considers every technical infrastructure component necessary to support any specific business activity, regardless of various or types of technology, creating a resulting hierarchy that describes inter-dependences between various technical infrastructure components, and their impact on business processes. (Applicant's Paragraph [0008])

Lakis describes a method for using already identified industry standard protocols to identify objects and their relationships, by organizing objects into categories and displaying the objects based on category. (*Laiks*, Column 2, Lines 15-19) *Lakis* interprets a Management Information Base listing, categorizing objects, segregating objects, interpretating the listing, and displaying object attributes in an ordered manner. (*Lakis*, Column 2, Lines 15-67)

Lakis describes performance of a "what item is connected to what other item" style of analysis, depicting parent and child relationships. (*Lakis*, Column 2, Lines 39-54) Detailed information and object attributes are omitted to reduce the size of the output. (*Lakis*, Column 3, Lines 5-11)

Lakis fails to teach all elements of Applicant's Claim 1, as amended.

Applicant's system utilizes a dependency and impact hierarchy that includes layers which depend on each other. Applicant's method creates new industry standard protocols, rather than using already identified industry standard protocols, as taught by *Lakis*.

Applicant has amended Claim 1 to more fully define the elements used in the present system, as well as the computer instructions that create the different object layers. The object layers taught by Applicant provide the benefit of requiring no upstream or downstream topology

information. Applicant's system discovers dependency relationships only. The dependency relationships discovered through use of Applicant's system are discovered without considering data flow, while the results of the method described by *Lakis* are specifically representative of data flow.

Applicant's invention thereby does not require use of tedious or cumbersome standards organizations or other bodies of work, such as the DMTF CIM, to define relationships.

Applicant's invention does not use any existing network or management protocol, and instead creates a new protocol using the layering effect of the computer instructions in the data storage of the server.

Claims 4 - 27 depend on Claim 1 and contain all the limitations thereof. Because Applicant believes that all elements of Claim 1 are not taught by *Lakis*, Applicant believes that Claims 3-27 are also patentable over *Lakis*.

IV. Claim Rejections 35 USC §102 & §103

The Office Action rejected Claims 1- 27 under 35 USC §102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Card* (2003/0085931).

Card teaches a method used to view very large collections of hierarchically linked information. A visualization that fits within a fixed display area is created to represent a complete collection of information, the visualization based on identified focus nodes and through calculation of a degree of interest for each node in the structure. (*Card*, Paragraph [0014])

Node information is generating using pre-existing, stored data for the nodes. (*Card*, Paragraph [0046]) The degree of interest is calculated by assigning fractional degrees of interest to children and sibling nodes based on distance from the focus node and the nodes' order with respect to the focus node. (*Card*, Paragraphs [0040] and [0046])

Card does not teach a method to create a hierarchy, as taught by Applicant, and instead teaches a method of display using pre-existing data. Applicant's system could, in fact, be used

simultaneously with the method described by *Card*, as Applicant's invention creates a hierarchy, with differing protocols and object layers, while *Card* describes a method and system used to view such hierarchically linked information.

Claims 4 - 27 depend on Claim 1 and contain all the limitations thereof. Because Applicant believes that all elements of Claim 1 are not taught by *Card*, Applicant believes that Claims 3-27 are also patentable over *Card*.

V. Claim Rejections 35 USC §102 & §103

The Office Action rejected Claims 1- 27 under 35 USC §102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Hill* (6,670,973).

Hill teaches a computer program for representing the information technology infrastructure of an organization with an interactive display module. (*Hill*, Column 1, Lines 32-43) *Hill* describes connecting objects to each other using a data flow, without regard to dependency of layers of objects. Representations of information technology elements and the relationships between them are stored in memory and accessed for creation of the interactive list and graph. (*Hill*, Column 3, Lines 8-18) A computer program is useable to modify relationships between elements. (*Hill*, Column 4, Lines 5-7)

Applicant instead teaches a hierarchy with strict rules and relationships. Like *Lakis* and *Card*, *Hill* also fails to teach each element of Applicant's Claim 1, as amended. Applicant teaches a system utilizing a dependency and impact hierarchy that includes layers which depend on each other. Further, Applicant's system creates new industry standard protocols.

Claims 4 - 27 depend on Claim 1 and contain all the limitations thereof. Because Applicant believes that all elements of Claim 1 are not taught by *Hill*, Applicant believes that Claims 3-27 are also patentable over *Hill*.

Applicant appreciates the Examiner's time and attention to this matter. Applicant believes no new matter has been added with any amendments that have been made. Applicant

believes claims as now provided are in condition for allowance. Reconsideration of this application is respectfully requested.

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Wendy Buskop

Wendy Buskop
Patent Attorney
Reg. No. 32,202

Please mail correspondence to the address associated with **customer number 29637**.

BUSKOP LAW GROUP, PC
4511 DACOMA STREET
HOUSTON, TEXAS 77092
(TEL)713-403-7411
(FAX)713-275-3419